

## RESOLUTION NO. 96 - 31

### A RESOLUTION OF THE BOARD OF DIRECTORS OF THE SAN DIEGO COUNTY WATER AUTHORITY (1) APPROVING A PROPOSED EMERGENCY WATER STORAGE PROJECT; (2) ADOPTING FINDINGS OF FACT; AND (3) ADOPTING A STATEMENT OF BENEFITS AND OVERRIDING CONSIDERATIONS

WHEREAS, This Board has previously adopted Board Resolution No. 96-30 certifying the Environmental Impact Report /Environmental Impact Statement (EIR/EIS) under the California Environmental Quality Act, for the Authority's Emergency Water Storage Project, a copy of said Resolution being attached hereto and incorporated herein by this reference as Exhibit 1; and

WHEREAS, The Board has fully reviewed and considered the voluminous documentation regarding the important decision to be made in selecting a proposed Emergency Water Storage Project, including review of the EIR/EIS and related environmental documents, the analysis and recommendations of the Authority staff on file herein, the background and related studies, reports and documents set out on Exhibit A, and the input of the public and interested parties;

NOW, THEREFORE, BE IT HEREBY RESOLVED AS FOLLOWS:

#### RECITALS

1. The foregoing recitals, including those set forth on Exhibit 1, are true and correct.

2. The Purpose and Need for the Project.

There is a real and important purpose and need for a project to meet the emergency water storage demands for the San Diego Region for the short, medium, and long-term. As documented in the voluminous reports listed on Exhibit A and as discussed in the EIR/EIS, if an earthquake or other calamity were to occur and disrupt service to the region, a risk that has been identified in the studies as not insignificant, the region, or parts of the region, would be without water for drinking and domestic uses, fire suppression, agriculture, hospital use, transmission of sewage, and other key health and safety programs. In addition, in the absence of emergency water, the regional economy would be devastated, with a projected worst case loss of 408,000 jobs and \$24.7 billion in lost sales, with the region reduced to a 40 percent of normal level of water service if there were a 6 month interruption in the water supply. The Board finds that these risks are unacceptable and that the emergency water needs of the region must be met. In this context, the purpose of the project is to increase

reliable storage and transmission facilities so that water can be made available on an emergency basis to service the needs of the region.

3. The Olivenhain/Hodges/San Vicente Alternative is the Best of the Available Alternatives.

Given that there are variations among the project alternatives in terms of their environmental merits when viewed issue by issue, nevertheless, the Board finds that, overall, the Olivenhain/Hodges/San Vicente alternative will have the fewest adverse environmental impacts and will, in fact, be the best project from an environmental perspective. In addition, the Board has carefully considered the non-environmental issues, including engineering and technical feasibility, financial and economic feasibility, legal issues, property ownership concerns, impacts to people, and political constraints, all as set forth in more detail in the staff reports and other documents on file herein, and has concluded that, overall, the Olivenhain/Hodges/San Vicente alternative is not only the best alternative from an environmental perspective, but is also the best from an overall perspective considering these other important factors.

4. The Olivenhain/Hodges/San Vicente Alternative is the Best From an Adaptability Perspective.

In approving the Olivenhain/Hodges/San Vicente alternative, the Board has taken into account the reality that this is a long-term project and that there is always the possibility that circumstances may change. The best projections made in 1946 needed revision to be applicable in 1996. Likewise, our best analyses and projections today in 1996 may well need revision as the region approaches this project's horizon year of 2030. By utilizing existing facilities to the extent possible, and by integrating the emergency storage project into the existing water storage and delivery system, the Board finds that the Olivenhain/Hodges/San Vicente alternative maximizes the ability to adapt the project to changing future needs.

5. The Olivenhain/Hodges/San Vicente Alternative Minimizes Adverse Impacts to People.

The Board finds that, of all the alternatives, the Olivenhain/Hodges/San Vicente alternative will have the fewest adverse impacts to people and their property interests, and that with the mitigation and monitoring measures approved incident to the project, these impacts can and will be reduced to the fullest extent possible. The Board finds that the Olivenhain/Hodges/San Vicente alternative appropriately balances the needs of the environment, economic needs, and the needs of people and their private property.

The Board further finds that the approval does not result in disproportionate environmental degradation or other impacts to low income/minority communities within the San Diego region.

6. The Olivenhain/Hodges/San Vicente Alternative is the Best Project From a Constructability Perspective.

The Board finds that the Olivenhain/Hodges/San Vicente alternative is practical and capable of reliable construction and implementation with known technology. By carrying out the Olivenhain/Hodges/San Vicente alternative the Board has a high level of confidence, based upon the known technology proposed to be used, that the taxpayer/ratepayer will get the best value for each dollar spent because the Olivenhain/Hodges/San Vicente alternative is capable of being bid, implemented, constructed, operated and maintained efficiently and effectively over the long term.

7. Limitations on Approval.

In adopting this Resolution approving the Olivenhain/Hodges/San Vicente alternative and in directing that staff proceed therewith, the Board expressly directs and determines that:

- A. Emergency Use Only This is an emergency storage project only. No use of any of the emergency water shall be made for any non-emergency purpose without the further approval of the Board.
- B. Future Other Use; Separate Project If, at some point in the future, it is proposed by anyone, including the County Water Authority or an outsider, to use some portion of the emergency water for non-emergency purposes, any such proposed non-emergency use will be treated as a separate and distinct project requiring its own environmental review and analysis and the prior approval of this Board.

8. Designation of Environmentally Preferred Alternative.

The Board hereby concurs in and certifies the findings, conclusions, and recommendations of the EIR/EIS and of the staff reports that the Olivenhain/Hodges/San Vicente alternative with the trench alignment (with a possible switch to the tunnel option, if a tunnel option is determined feasible) is the environmentally preferred alternative and that the environmental impacts thereof have either been eliminated, substantially reduced or, if unable to be eliminated or substantially reduced, as to any remaining impacts the Board has found overriding considerations which justify proceeding with the project in any

event, all as set out in more detail in the Findings and Statement of Benefits and Overriding Considerations set forth as part of Exhibit B attached hereto and incorporated herein by this reference.

9. Environmentally Least Damaging Alternative: Clean Water Act.

The Board hereby finds based on the discussions and conclusions of the EIR/EIS, of the staff reports, and of other relevant information, that (1) the Olivenhain/Hodges/ San Vicente alternative with the trench alignment is the environmentally least damaging alternative from an overall perspective (with a possible switch to a tunnel option, if a tunnel option is determined feasible), and (2) that this alternative is the environmentally least damaging practicable alternative with respect to wetlands and related wetland impacts within the meaning of the federal Clean Water Act and its implementing Guidelines and regulations, and that all appropriate and practicable steps have been taken to minimize potential adverse impacts to wetlands.

The Board further finds and determines that the selected alternative does not cause or contribute to significant degradation of the waters of the United States and that the benefits of proceeding with the proposed project outweigh any damage to wetland resources.

10. Historic Resources.

The Board finds that all effects, if any, of the proposed project to historic properties have been taken into account and such impacts have been avoided and minimized to the fullest extent possible. The Board further finds that any remaining adverse impacts to historic properties are unavoidable and that there is no least damaging practical alternative to eliminate these remaining impacts.

11 Endangered Species.

The Board finds that all effects, if any, to endangered species have been taken into account and that the proposed action is not likely to jeopardize the continued existence of any endangered or threatened species and that the effects, if any, to endangered or threatened species is not likely to jeopardize have either been avoided or will be mitigated pursuant to the Mitigation, Monitoring and Reporting Program adopted as part of project approval.

12. Environmental Findings.

The Board hereby adopts the Environmental Findings set forth as part of Exhibit B attached hereto and incorporated herein by this reference.

13. Statement of Benefits and Overriding Considerations.

The Board hereby adopts the Statement of Benefits and Overriding Considerations set forth as part of Exhibit B, attached hereto and incorporated herein by this reference.

14. Approval of Olivenhain/Hodges/San Vicente Project.

The Board hereby approves the Olivenhain/Hodges/San Vicente alternative (with a possible switch to a tunnel option, if a tunnel option is determined feasible), and directs the General Manager and her staff to take any and all further actions, to execute such documents, and apply for such permits and approvals as may be necessary to carry the approved project forward in conformance with the requirements of this resolution, the EIR/EIS, the Environmental Findings, the Statement of Benefits and Overriding Considerations, and the Mitigation Monitoring and Reporting Program, and all applicable law.

15. Notice of Determination.

The General Manager is authorized and directed to file a Notice of Determination and such other documentation as may be required under CEQA evidencing the Board's certification of the EIR/EIS and related environmental determinations and its approval of the project, and shall file the final EIR/EIS as required by law.

Passed, approved and adopted this 15th day of August, 1996, by the following vote:

AYES: Ball, Bond, Brammell, Bregante, Broomell, Buckner, Chenelle, Collins, Drake, Frahm, Hardebeck, Krauel, Leach, Manning, Mason, Newton, Peay, Poole, Quist, Rogers, Russell, Strode, Thompson, Throckmorton, Tinker, Turner, Watton, H. Williams, R. Williams, Wilson, Wright

NOES:

ABSTAIN:

ABSENT Lewis, Parker, Slater



Mark W. Watton, Chair

ATTEST:



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Harold W. Ball, Secretary

I, Janet R. Maltman, Executive Secretary to the Board of Directors of the San Diego County Water Authority, do hereby certify that the above and foregoing is a full and correct copy of Resolution 96-31 of said Board and that same has not been amended or repealed.



Janet R. Maltman  
Executive Secretary  
Board of Directors

**Declaration of Vernice Rae Hartman**

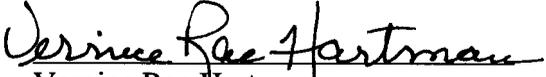
I, Vernice Rae Hartman, declare that:

1. I am the Clerk of the Board for the San Diego County Water Authority, in San Diego, California. I hereby make this declaration in my official capacity on behalf of the San Diego County Water Authority.

2. I declare that the attached exhibit dated August 15, 1996, titled "Resolution No. 96-31 – A Resolution of the Board of Directors of the San Diego County Water Authority (1) Approving a Proposed Emergency Water Storage Project; (2) Adopting Findings of Fact; and (3) Adopting a Statement of Benefits and Overriding Considerations" is a true and accurate copy which is retained in the files of the San Diego County Water Authority, in San Diego, California.

I certify under penalty of perjury under the laws of the State of California that the above statements are true.

Dated: This 22 day of May, 2002.

  
Vernice Rae Hartman